

**U.S. District Court
Eastern District of New York (Central Islip)
CIVIL DOCKET FOR CASE #: 2-02-03442-ADS**

Crawford & Sons, Ltd. Profit Sharing Plan et al v. Besser et al

Assigned to: Judge Arthur D. Spatt

Date Filed: 06/13/02

Referred to: Magistrate-Judge E. Thomas Boyle

Jury Demand: None

Demand: \$11000000

Nature of Suit: 470 Racketeer/Corrupt Organization

Lead Docket: None

Jurisdiction: Federal Question

Related Cases: None

Case in other court: None

Cause: 18:1964 Racketeering (RICO) Act

Plaintiff

Crawford & Sons, Ltd. Profit Sharing Plan

represented by **Errol F. Margolin**
Margolin & Pierce, LLP
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212 247 4844
LEAD ATTORNEY

James A. Crawford Profit Sharing Plan

represented by **Errol F. Margolin**
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East Prospect State Bank

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Equitable Bank

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First National Bank

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First Security State Bank

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Northwest Bank

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People's Bank

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Sand Ridge Bank

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Bluestem National Bank

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First Victoria National Bank

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American Savings, FSB

represented by **Errol F. Margolin**
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LEAD ATTORNEY

Mutual Federal Savings Bank

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First National Bank (Smith Center)

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The Dime Savings Bank

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Third Federal Savings Bank

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Fidelity Bank Of Florida

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Citizens National Bank

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City National Bank

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V.

Defendant

Rochelle Besser

represented by **Thomas V. Marino**
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Wallace I. Besser

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Barry Drayer

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**RW Professional Leasing Services,
Inc.**

represented by **Thomas V. Marino**
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LEAD ATTORNEY

Bank of New York

TERMINATED: 07/12/2002

Filing Date	#	Docket Text
06/13/2002	1	Complaint filed with <i>exhibits viewable in clerk's file only</i> and summons not issued as to defendant(s) Bank of New York, Rochelle Besser, Wallace I. Besser, Barry Drayer, RW Professional Leasing Services, Inc.. Filing fee \$150.00. Receipt number: 262985.. Filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, First National Bank, First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank. (Attachments: # <u>1</u> Civil Cover Sheet)(Romano, Daniel) (Entered: 06/20/2002)
06/13/2002	2	Disclosure of interested party filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, First National Bank, First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank. (Romano, Daniel) (Entered: 06/20/2002)

06/13/2002	3	Order to Show Cause signed by Hon. Arthur D. Spatt, enjoining and restraining the Professional Leasing defendants, their agents, servants and employees and all persons acting in concert with them from acting outside of the terms of this order. Personal service of a copy of this order, together with copies of the papers upon which it was made, and the summons and complaint upon each of the Professional Leasing defendants on or before June 19, 2002, shall be deemed good and sufficient notice of this application. This is returnable on 6/21/2002 at 03:00 PM. (Romano, Daniel) Modified on 7/2/2002 (Romano, Daniel). (Entered: 06/20/2002)
06/21/2002	4	Calendar Entry: Before USDJ Spatt on 6/21/02 @ 3:00 p.m. for Order to Show Cause. Case called. Counsel for parties present. Motion argued. Status Conference set for 7/12/02 @ 3:30 p.m. (Branciforte, Ralph) (Entered: 06/26/2002)
06/21/2002	5	Affidavit of Service by <i>Tony Conigliaro</i> . <i>Summons, Complaint, Order to Show Cause, and Supporting Papers</i> served on Rochelle Besser c/o RW Professional Leasing Services; Wallace Bessler c/o RW Professional Leasing Services; Barry Drayer c/o RW Professional Leasing Services; RW Professional Leasing Services; Bank of New York on 6/19/02. filed by American Savings, FSB, Bluestem National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, First National Bank, First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank. (Branciforte, Ralph) (Entered: 06/26/2002)
06/21/2002	6	Memorandum of Law in Opposition to Plaintiffs' Motion for a Preliminary Injunction filed by Defendants Rochelle Besser, Wallace Besser, Barry Drayer, and RW Professional Leasing Services. (Branciforte, Ralph) (Entered: 06/26/2002)
06/21/2002	7	Declaration <i>in opposition to the order to show cause</i> filed by Rochelle Besser. (Branciforte, Ralph) (Entered: 06/26/2002)
06/21/2002	8	Declaration <i>in opposition to the order to show cause</i> filed by Barry Drayer. (Branciforte, Ralph) (Entered: 06/26/2002)
07/01/2002	9	Letter dated 7/1/02 from David A. Scheffel to Mr. Margolin RE: The Stipulation which you faxed to the Court on 6/28/02 is being returned to you unsigned because it does not comply with the individual rules of Judge Spatt. Any stipulation seeking to dismiss one or more parties must include a provision setting forth an amended caption. You may re-file your stipulation in compliance with Judge Spatt's rules. (Coleman, Laurie) (Entered: 07/09/2002)

07/12/2002	10	Disclosure of interested party filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, First National Bank, First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank. (Fagan, Linda) (Entered: 07/18/2002)
07/12/2002	11	Amended complaint. Filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Citizens National Bank, City National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, Fidelity Bank Of Florida, First National Bank, First National Bank (Smith Center), First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank, TheDime Savings Bank, Third Federal Savings Bank. (Fagan, Linda) (Entered: 07/18/2002)
07/16/2002	12	Notice of dismissal as to defendant Bank of New York. (Signed by USDJ Spatt on 7.16.02) cm filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Citizens National Bank, City National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, Fidelity Bank Of Florida, First National Bank, First National Bank (Smith Center), First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, MutualFederal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank, The Dime Savings Bank, Third Federal Savings Bank. (Lopez, Adriana) (Entered: 07/22/2002)
07/16/2002	13	Stipulation: Pltffs'motion for preliminary injunction is hereby withdrawn, Pltffs will make no further motion for injunctive relief with respect to assets or documents until dfts have answered. (Signed by USDJ SPatt on 7.16.02) cm (Lopez, Adriana) (Entered: 07/22/2002)
08/01/2002	14	Order:, An initial scheduling conference will be held before USMJ Boyle on 10/7/02 @ 11:00 a.m. (Signed by Magistrate Judge E. Thomas Boyle, on 8/1/02). C/M(Coleman, Laurie) (Entered: 08/02/2002)
08/29/2002	15	Defendant's Motion to dismiss filed by Thomas V. Marino on behalf of Barry Drayer, RW Professional Leasing Services, Inc.. (Mierzejewski, Elizabeth) (Entered: 09/04/2002)
08/29/2002	16	Memorandum in support of the Motion to Dismiss Plaintiff's Amended Complaint filed by Thomas V. Marino on behalf of Rochelle Besser, Wallace I. Besser, Barry Drayer, RW Professional Leasing Services, Inc.. (Related document(s)[15]) (Mierzejewski, Elizabeth) (Entered: 09/04/2002)

09/04/2002	17	LETTER dtd. 9/3/02 from Thomas Marino to CLerk of the Court RE: Enclosing a corrected Notice of Motion. (Branciforte, Ralph) (Entered: 09/09/2002)
09/04/2002	18	Corrected Motion to dismiss <i>with prejudice without leave to replead pursuant to Rule 12(b)(1), 12(b)(6), and 9(b)</i> , filed by Thomas V. Marino on behalf of Rochelle Besser, Wallace I. Besser, Barry Drayer, RW Professional Leasing Services, Inc.. (Branciforte, Ralph) Modified on 9/9/2002 (Branciforte, Ralph). (Entered: 09/09/2002)
09/04/2002		**Motions terminated: Motion to dismiss, document No. 15, has been terminated. The Corrected Notice of Motion has been docketed as document No. 18. (Related documents(s) [15]) (Branciforte, Ralph) (Entered: 09/09/2002)
09/16/2002	20	Memorandum in opposition <i>RE: In opposition to dft's motion to dismiss the amended complaint</i> , filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Citizens National Bank, City National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, Fidelity Bank Of Florida, First National Bank, First National Bank (Smith Center), First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank, The Dime Savings Bank, Third Federal Savings Bank. (Coleman, Laurie) (Entered: 09/25/2002)
09/18/2002	19	LETTER dated 9/18/02 from David A. Scheffel to Mr. Margolin RE: The Court is returning your memorandum in opposition to the dfts' motion to dismiss the complaint. Your memorandum includes no indication that a copy was served on all of the parties in the case. You may re-file your memorandum immediately in full compliance with Judge Spatt's rules. (Coleman, Laurie) (Entered: 09/20/2002)
09/23/2002	21	Affidavit of Service of [19-1] <i>Letter from David Scheffel to Mr. Margolin served on all parties on 9/20/02</i> ; filed by Errol F. Margolin on behalf of American Savings, FSB, Bluestem National Bank, Citizens National Bank, City National Bank, Crawford & Sons, Ltd. Profit Sharing Plan, East Prospect State Bank, Equitable Bank, Fidelity Bank Of Florida, First National Bank, First National Bank (Smith Center), First Security State Bank, First Victoria National Bank, James A. Crawford Profit Sharing Plan, Mutual Federal Savings Bank, Northwest Bank, People's Bank, Sand Ridge Bank, The Dime Savings Bank, Third Federal Savings Bank. (Coleman, Laurie) (Entered: 10/02/2002)

09/23/2002	22	Reply memorandum of law <i>RE: In further support of dft's Motion to Dismiss</i> (doc. #18), filed by Thomas V. Marino on behalf of Rochelle Besser, Wallace I. Besser, Barry Drayer, RW Professional Leasing Services, Inc.. (Related document(s)[18]) (Coleman, Laurie) (Entered: 10/03/2002)
09/23/2002	24	LETTER dated 9/18/02 from Marshall Berger to USMJ Boyle RE: We request suspension of discovery until after Judge Spatt's decision and the conclusion of our criminal case and that the meeting scheduled for 10/7/02 be cancelled. (Coleman,Laurie) (Entered: 10/16/2002)
10/07/2002	23	CALENDAR ENTRY:, before USMJ Boyle on 10/7/02 @ 11:00 a.m., CV Cause for Initial Conference. Counsel for all sides present. Next status conference set for 1/15/03 @ 9:15 a.m. by phone. By agreement all discovery (except Pltff's agreed26(a)(1) discovery to be produced on 11/7/02) is STAYED pending the outcome of dft's motion to dismiss the RICO cause of action which is the sole basis for federal jurisdiction. So Ordered. C/G (Coleman, Laurie) (Entered: 10/16/2002)
10/07/2002		Set Status Conference for 1/15/2003 09:15 AM. (Coleman, Laurie) (Entered: 10/16/2002)

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